

REMARKS

The Office Action mailed February 2, 2005 has been carefully reviewed along with the references cited therein. In the subject Office Action the Examiner rejected claims 1-10. Claims 2, 7 and 8 were objected to under 35 U.S.C. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1-5 and 7-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stankiewicz (U.S. Patent No. 4,964,993). Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stankiewicz.

In this amendment, Applicant has amended claims 1, 2 and 4. Applicant has cancelled claims 7-10 without prejudice. Applicant has added claims 11-19.

As for the claim objections, claim 2 has been amended to recite that the mounting portion is dimensioned to fit around the dosing tube. Claims 7 and 8 have been cancelled from the application without prejudice. Claims 11-19 have been added to the application to include the manner in which the filter apparatus is to be employed.

Claim 1 was rejected as being rejected anticipated by Stankiewicz. Claim 1 has been amended to recite "the filter body having a beveled end." This limitation is similar to original claim 6 which was rejected as being obvious in view of Stankiewicz. In rejecting claim 6, the Examiner indicated that Stankiewicz fails to show a beveled end but that the filter assembly disclosed in Stankiewicz operates in substantially the same manner with substantially similar results and therefore it would have been an obvious modification to provide the filter assembly in Stankiewicz with a beveled end. Stankiewicz discloses a filter assembly 43 that is positioned on the floor 41 of a holding chamber 37. To the contrary, Applicant's filter apparatus is for filtering molten metal before entering a dosing tube. As discussed in the specification at paragraph 11, the dosing tube is typically mounted at an angle. As discussed in paragraph 18, since the dosing tube is typically mounted at an angle, the beveled end can provide more surface area for the filter apparatus by maximizing the amount of space available between the end of the tube and the floor of the vessel. There is no motivation provided in Stankiewicz to modify the disclosed filter

assembly such that it would include a beveled end and it is shown that such a beveled end provides an advantageous result of maximizing the surface area of the filter apparatus. Accordingly, it is submitted that claim 1 as amended patentably defines over the cited reference. Accordingly, claims 2, 3, 11 and 12 which depend from claim 1, also patentably define over the cited reference.

Claim 4 was rejected as being anticipated by Stankiewicz. Claim 4 recites that the apparatus includes "an attachment portion dimensioned to attach to the dosing tube." When rejecting claim 4, the Examiner argued that Stankiewicz discloses a mounting portion 11 that can be fit around and mount to a dosing tube through its annular portions 13. These annular portions, or ports 13 as Stankiewicz refers to them, "are sized to accept the diameters of the cylindrical filter elements 21 and 23 as shown in FIG. 1." Col. 4, lines 61-63. The ports 13 are not dimensioned to attach to a dosing tube. Furthermore, Stankiewicz provides no motivation to modify the ports 13 so that they would be dimensioned to attach to a dosing tube. As discussed above Stankiewicz mounts his filter assembly to a bottom wall of a holding chamber 37, as opposed to a dosing tube. Accordingly, it is submitted that claim 4 patentably defines over the cited reference. Also, claims 5 and 6, which depend from claim 4, are also patentable because they depend from a patentable independent claim.

Claims 13-19 have also been added to the application. Claims 13 recites, among other things, "a filter attached to the dosing tube." Stankiewicz does not disclose a filter attached the dosing tube. Claims 14-19 further define the filter and the manner in which it is to be employed. Accordingly, it is submitted that claim 13 and claims 14-19, which depend from claim 13, patentably define over the cited references.

CONCLUSION

For the reasons detailed above, it is submitted that all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner consider personal contact advantageous to the disposition of this case, he is encouraged to telephone the

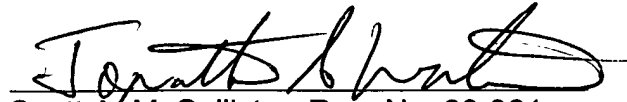
undersigned at the number listed below.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

May 2, 2005

Date



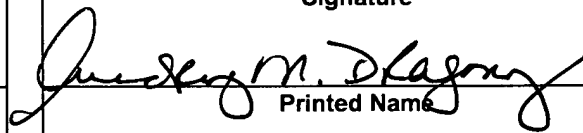
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